

REMARKS

Claims 1-18 were pending.

Claims 13 and 18 are cancelled.

Claims 1, 6, 7, 8, 9, 10, 11, 12, 16 and 17 are amended.

35 USC 112, second paragraph

Claims 1-18 are rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claims 1, 6-7, 9 and 11 to eliminate the term "substantially".

Applicants believe this overcomes the above rejection.

Amended Claims 6, 7, 8, 9, 10,11,12,16 and 17

The above claims have been amended to depend from claim 1. Thus they all now refer to the preparation of claim 1.

No new matter is added.

Claim Rejection – 35 USC 103(a)

Claims 6-13 and 16-18 are rejected under 35 USC 103(a) as being unpatentable over Bujard et al (US 5,766,335).

Applicants have amended claims 6, 7, 8, 9,10,11,12,16 and 17 to ultimately depend from claim 1 and to be directed to the cosmetic and personal care preparation defined in claim 1.

As the rejection above does not include claim 1, and all of amended claims 6, 7, 8, 9,10,11,12,16 and 17 include all the limitations of claim 1, Applicants submit that this rejection is overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejection.

Claims 1-5 and 14-15 are rejected under 35 USC 103(a) as being unpatentable over Bujard in view of Deluca, WO 0216505.

Examiner has relied on Bujard to teach the same core and coatings. However Examiner does agree that Bujard does not exemplify the claimed pigments (for claims 6-13 and 16-18).

Bujard does not teach the use of the pigments in cosmetics or personal care compositions. Also, there is little direction from Bujard to arrive at the particular pigment compositions as claimed in claims 6-13 and 16-18. Thus Examiner relies on Deluca. Deluca however is directed to **colored** lustrous pigments. These are titanium dioxide coated mica which are further coated with dyes to achieve additional color effects.

These Deluca pigments are quite different from those presently taught in a number of respects.

- The pigments of Deluca are TiO_2 coated mica and are traditional nacreous type. There is no mention of any other type of nacreous pigment other than those based on mica and TiO_2 or mica with a metal oxide coating within the bounds of Deluca.
- This contrasts with the present preparations which comprise pigments very dissimilar in physical makeup from those described in Deluca. For example, the presently claimed preparations allow for an effect pigment without any titanium at all.
- By using the gloss pigments according to the invention in cosmetics it is possible to obtain cosmetics whose colour changes in dependence upon the viewing angle ("flop effect"). In particular, the gloss pigments not having the TiO_2 coatings, which consist only of silicon and oxygen, are, by virtue of the fact that they are free of heavy metals, outstandingly suitable for cosmetic applications. See page 29, lines 5-9 of present disclosure. This applies especially to claims 6-13 and 16-18.
- The pearlescent pigments taught in Deluca do not provide intense colors with iridescent effect. Instead the typical pearlescent pigments of Deluca make it possible to obtain only varied colors with generally fairly weak color effects, for examples, the color effect is mainly visible along only one given angle corresponding to a spectral reflections. Due to the interferential pigment present in the composition, the composition gives a shade along a given angle and does not produce a goniochromatic effect. See page 1, lines 30-34.
- Applicants are aware that Examiner is relying on Bujard to teach effect pigments similar to those of the preparation presently claimed. However, it is the combination of the particular selection of gloss pigments of the present application in cosmetics and personal care preparations which is the point of the invention. By using these pigments which exhibit colour change when viewing angle is changed, special effects on hair and skin are produced.

- Thus even when Bujard is combined with Deluca, it could not have predicted by one skilled in the art that by adding the pigments as presently claimed to cosmetic or personal care compositions that the compositions would have retained the special goniochromatic effects Further that these goniochromatic effects could have been achieved with the more specific pigments claimed in claims 6, 7, 8, 9,10, 11,12,16 and 17 as many of these pigments do not even contain titanium. See the tables on page 38.

Applicants submit that the above rejection is overcome.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

Respectfully submitted,

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Enclosure: Three Month Extension of Time

